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 ATTORNEYS FOR DEFENDANT, and
 THIRD PARTY PLAINTIFF, HORIZON LINES, LLC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DANIEL MAXIE)	Case No.
Plaintiff,)	C 04-02255 MMC
vs.)	STIPULATION AND (PROPOSED) ORDER
HORIZON LINES, LLC.,)	TO CONTINUE USSM's MOTION FOR
MATSON NAVIGATION COMPANY)	SUMMARY ADJUDICATION
Defendants.)	
HORIZON LINES, LLC.,)	Hearing Date: October 14, 2005
Defendant and Third Party Plaintiff)	Time: 9:00 A.M.
vs.)	Place: Courtroom 7, 19 th floor
US SHIP MANAGEMENT, INC.)	The Honorable Maxine M. Chesney
Third party defendant)	

Whereas U. S. SHIP MANAGEMENT. INC. (USSM) noticed its motion for summary adjudication to be heard on October 14, 2005; and

Whereas, Horizon Lines intends to file an opposition to this motion within the time allowed under the present date set for the hearing of this motion; and

Whereas the attorney of record for Horizon Lines in this action is presently set to start a trial in Alameda County Superior Court on October 14, 2005, (Wing v. Horizon Lines #RG04145268) which will not allow him to appear and argue the USSM motion on October 14, 2005; and

Whereas all attorneys in the captioned action have been contacted and are agreeable to rescheduling USSM's motion for summary adjudication for two weeks until October 28, 2005; and

Whereas the court calendar indicates that the court will be in session on October 28, 2005 and available to hear the arguments of counsel on USSM's motion for summary adjudication,

NOW THEREFORE, the parties in the captioned action, acting by and through their attorneys of record do hereby stipulate that the October 14, 2005 hearing date for USSM's motion for summary adjudication may be rescheduled to October 28, 2005 at 9:a.m. or as soon thereafter as the matter can be heard.

Stipulation and (proposed) order to reschedule 1
 USSM's motion for summary adjudication.

1 IT IS SO STIPULATED.

2 Dated: September 2005

BANNING, MICKLOW, BULL & LOPEZ

3 By: ____(/S/)_____
4 EDWARD M. BULL, III,
Attorneys for Plaintiff, Daniel Maxie

6 Dated: September 2005

GIBSON, ROBB & LINDH

7 By: ____(/S/)_____
8 PETER LINDH,
Attorneys for Defendant, Matson Navigation Company

10 Dated: September 2005

FLYNN, DELICH & WISE

11 By: ____(/S/)_____
12 JAMES B. NEBEL,
Attorneys for Third Party Defendant, U. S. SHIP
13 MANAGEMENT. INC.

14 Dated: September 2005

THE LAW OFFICES OF HARVEY I WITTENBERG

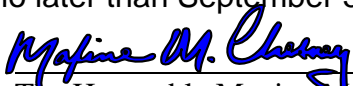
15 By: _____
16 HARVEY I. WITTENBERG,
Attorneys for Defendant and Third Party Plaintiff
17 HORIZON LINES, LLC.

18 ~~(PROPOSED ORDER)~~

19 IT IS HEREBY ORDERED that the hearing on Third Party Defendant, U. S. SHIP
20 MANAGEMENT. INC.'s motion for summary adjudication, presently scheduled for October 14,
2005 is now rescheduled for October 28, 2005 at 9 a.m. ~~or as soon thereafter as the matter may be~~

21 ~~heard.~~ U.S. Ship Management, Inc. shall file its reply no later than September 30,
22 2005, as previously scheduled.

Dated September 21, 2005


The Honorable Maxine M. Chesney
United States District Judge

24 **I hereby attest that I have on file all**
25 **holograph signatures for any signatures**
indicated by a "conformed" signature
(/S/) within this efiled document.

Stipulation and (proposed) order to reschedule 2
USSM's motion for summary adjudication.